CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	▼ Force	☑ Discourt.	☐ U.S.
Amanda Harouche		Team # 1	201401627	☐ Abuse	Ø O.L.	✓ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Friday, 02/14/2014 7:15 PM		in front of \$87(2)(b) and the		44	8/14/2015	8/14/2015
		44th Precinct stationho	_			
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Time	e Received at CCI	RB
Sat, 02/15/2014 3:30 PM		IAB	Phone	Wed, 02/1	9/2014 2:50 PM	[
Complainant/Victim	Type	Home Addre	ess			
Witness(es)		Home Addre	ess			
Subject Officer(s)	Shield	TaxID	Command			
1. POM Sean Brown	24894	948704	044 PCT			
2. POM Jawuan Hubbard	08746	949121	044 PCT			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. POM Juan Cruz	25824	920168	044 PCT			
Officer(s)	Allegatio	on		Inve	estigator Recon	nmendation
A.POM Jawuan Hubbard	Force: In Jawuan H	front of § 87(2)(b) Hubbard pointed his gun	in the Bronn at § 87(2)(b)	x, PO		
B.POM Jawuan Hubbard	Force: In front of \$87(2)(b) in the Bronx, PO Jawuan Hubbard used physical force against \$87(2)(b)					
C.POM Sean Brown	Discourtesy: In front of \$87(2)(b) in the Bronx and at the 44th Precinct stationhouse, PO Sean Brown spoke discourteously to \$87(2)(b)					
D.POM Sean Brown	Bronx, P	guage: In front of \$87(2)(b) O Sean Brown made reson the sex of \$87(2)(b)	marks to § 87(2)(b)	the		

Case Summary

On February 15, 2014, Sgt. Grayson of the 44th Precinct, called the Internal Affairs Bureau (IAB) and filed the following complaint due to an injury sustained by \$87(2)(5) during his apprehension. The complaint, registered at IAB under log #2014-5846 was referred to the Civilian Complaint Review Board (CCRB) under log #2014-5982 on February 19, 2014 (encl. 4a-b).

On February 14, 2014 at 7:15 p.m., \$87(2)(b) was observed in a hand-to-hand transaction and subsequently apprehended in front of \$87(2)(b) in the Bronx by PO Brown and PO Hubbard of the 44th Precinct resulting in the following allegations:

•	Allegation A: Abuse of Authority – In front of S87(2)(b) PO Jawuan Hubbard pointed his gun at \$37(2)(b)		in the Bronx,
§ 87(2)	1 O Jawuan Hubbaru pointeu ins gun at s \$\(\text{s}\)(5), \(\frac{8}{8}\)(2), \(
•	Allegation B: Force – In front of \$87(2)(b)	in the Bronx,	<u>PO Jawuan</u>
	Hubbard used physical force against 887(2)(b)		
§ 87(2))(g)		
			•
•	Allegation C: Discourtesy – In front of 887(2)(b)		Bronx and at
	the 44th Precinct stationhouse, PO Sean Brown spoke	discourteously	to § 87(2)(b)
•	Allegation D: Offensive Language – In front of \$87(2)(b)		in the Bronx.
	PO Sean Brown made remarks to \$87(2)(b) based on the base of the b	sed upon the sex	0f § 87(2)(b)
§ 87(2))(b), § 87(2)(g)		

This case was ineligible for mediation.

Results of Investigation

Civilian Statements

Complainant/Victim: MR. § 87(2)(b)

• See enclosures for pedigree (encl. 5b-d).

CCRB Statement:

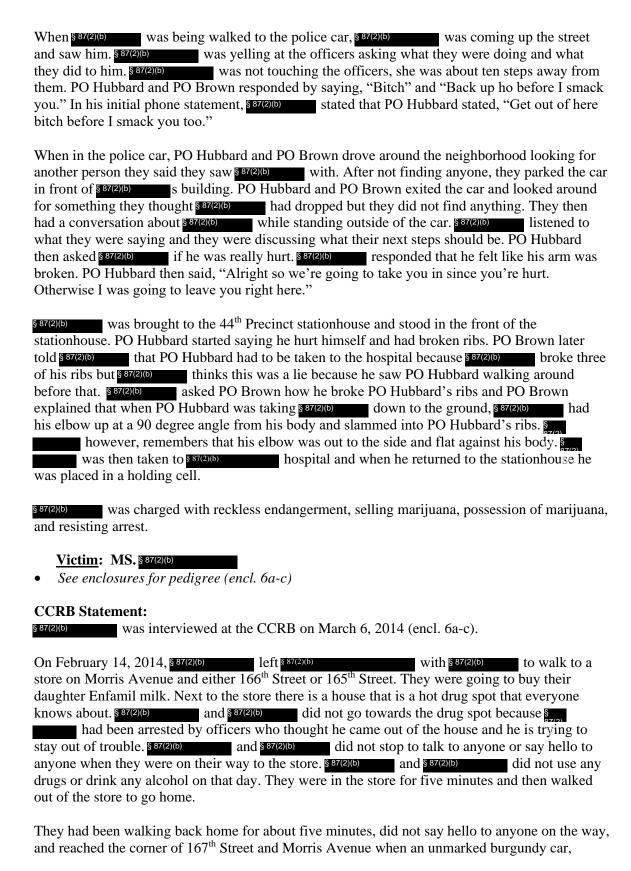
provided a phone statement on February 25, 2014 (encl. 5a), an in person statement on March 5, 2014 (encl. 5b-d), and additional information over the phone on May 29, 2014(encl. 5e). His statements were consistent with inconsistencies noted below.

On February 14, 2014, around 7:15pm, \$37(2)(b) left his apartment located at \$37(2)(b) In the Bronx to walk to the store to get his baby daughter milk with his girlfriend, \$37(2)(b) was wearing light blue jeans, a fitted leather jacket with pockets that stick out, and high-top Nike sneakers. On his way to the store, \$37(2)(b) stopped to speak with two friends on 167th Street and Morris Avenue; he shook their hands and spoke to them for about five

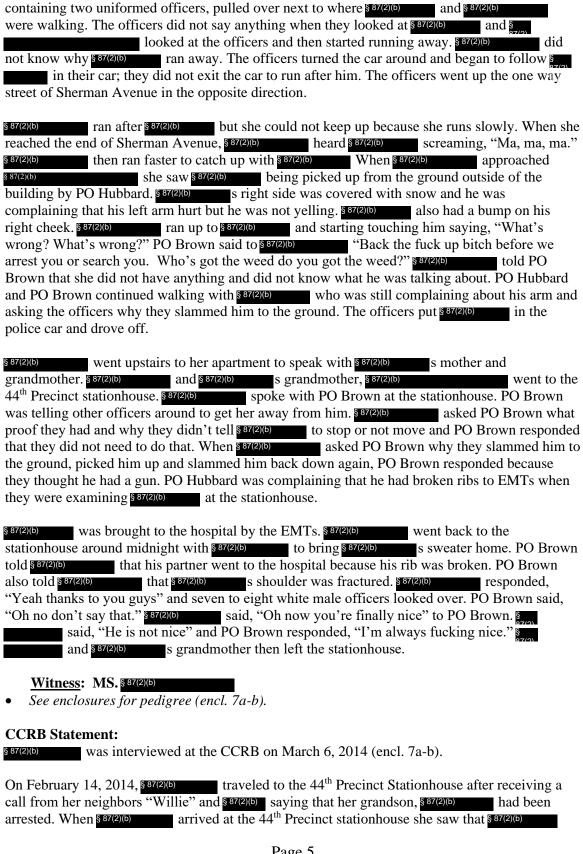
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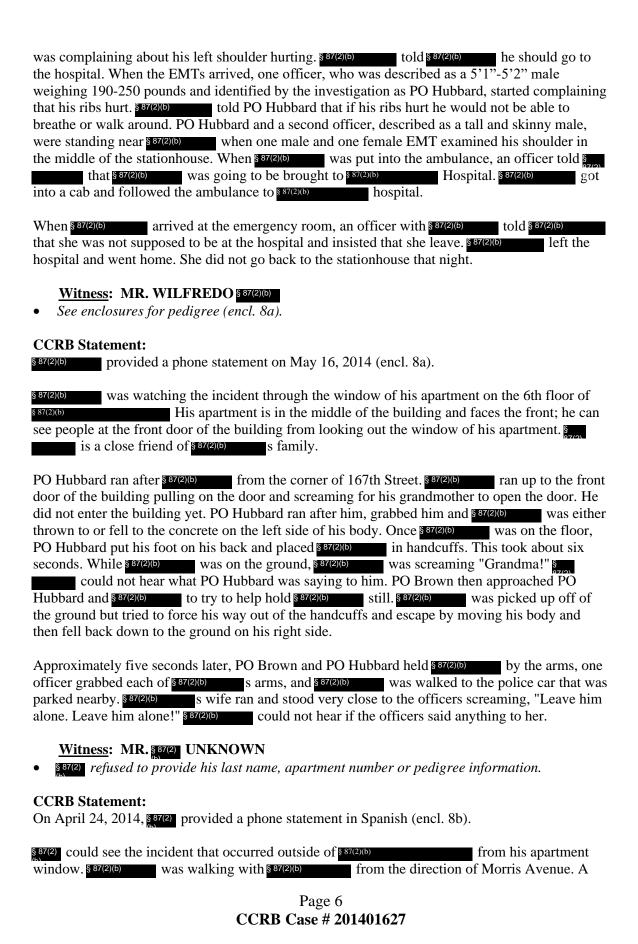
he did not exchange any objects with the two males, who were wearing white t-shirts and dark blue jeans in front of a bus top on 168th Street and Morris Avenue. Around the store, on the whole street of Morris, there is a hot spot for drugs. §87(2)(6) thinks that the officers thought he had exited the hotspot which is why they approached him. §87(2)(b) had not smoked marijuana. used any drugs or drank any alcohol on that day. §87(2)(b) did not have any marijuana on him. was in the store for a brief period of time, about five seconds, and then he exited the store to walk home. The officers approached \$87(2)(b) and he ran away. At first during his CCRB interview, said that the police officers ran up to him when he had stopped in front of a Met Food supermarket after he had a small verbal argument with \$87(2)(6) and handed her cell phone said he saw two people running towards him from the corner and he ran away towards his apartment building. Later on in his statement, when he was asked if the officers ran or walked up to him, §37(2)(b) said he just heard a car speeding and then break which reminded him of the time he was robbed when he was younger and caused him to run away; \$87(2)(b) only saw half of the car, he said he only saw something dark from the corner of his eyes and began to run away. The officers then chased § 37(2)(b) in their car. (In his phone statement on February 25, 2014, \$37(2)(5) stated that two officers drove up next to him in an unmarked car and began asking if he had anything on him. \$37(2)(b) recognized the officers because they had stopped him in the past and he told the officers that he did not have anything. §87(2)(b) ran away from the officers towards his apartment building because he was on probation and wanted to stay out of trouble. The officers then followed after him in their car.) When he arrived at his apartment building, less than ten minutes later, he looked behind him to see if anyone was behind him. When he turned around he saw PO Hubbard, who was identified by the investigation and described as a 5'6" tall Hispanic male around 40-years-old in uniform, getting out of the front passenger's seat of the unmarked burgundy Chevy Impala police car walking slowly towards \$87(2)(b) with his gun pointed at him. PO Hubbard told \$87(2)(b) "Get down, get down." \$87(2)(6) did not say anything but he got down on the ground on the pavement of the walkway to the front of his building. §87(2)(b) lay on the sidewalk with his stomach on the pavement and his arms spread out to the sides so that his body was making a Tshape. PO Brown, who was identified by the investigation and described as a uniformed 6'1" tall dark skinned black male with a muscular/husky build in his 30's, then came and stood to the right was screaming "Ma," for his mother, when he was lying on the ground but he was not screaming anything else and he was not moving around. The officers were not saying anything to \$87(2)(b) was on the ground for about ten minutes. felt PO Hubbard start to pick him up but then his vision went blurry and the next thing he remembers is that PO Hubbard and PO Brown were taking him to the police car and his shoulder was hurting. Upon further questioning, \$87(2)(b) said that he felt PO Hubbard pick him up, say "Oh get down get down," and then throw him to the ground; §87(2)(b) hit the ground with his right cheek (which caused a lump). PO Hubbard then put his knee on \$87(2)(b) pulled his left arm back and (\$\sqrt{97(2)(b)}\$ s left shoulder popped out of its socket. This happened before handcuffs were taken out to be put on § 87(2)(b) then started to feel pain in his shoulder. In his phone statement on February 25, 2014, § 87(2)(6) stated that he felt an officer stomp on his back and shoulders but he did not re-allege this during his interview. PO Brown then handcuffed § 87(2)(b) did not move his hands away from the officers. PO Hubbard and PO Brown picked up §87(2)(b) and walked him to the police car.

to ten minutes before he continued walking to the store. On May 29, 2014, [87(2)(6)]



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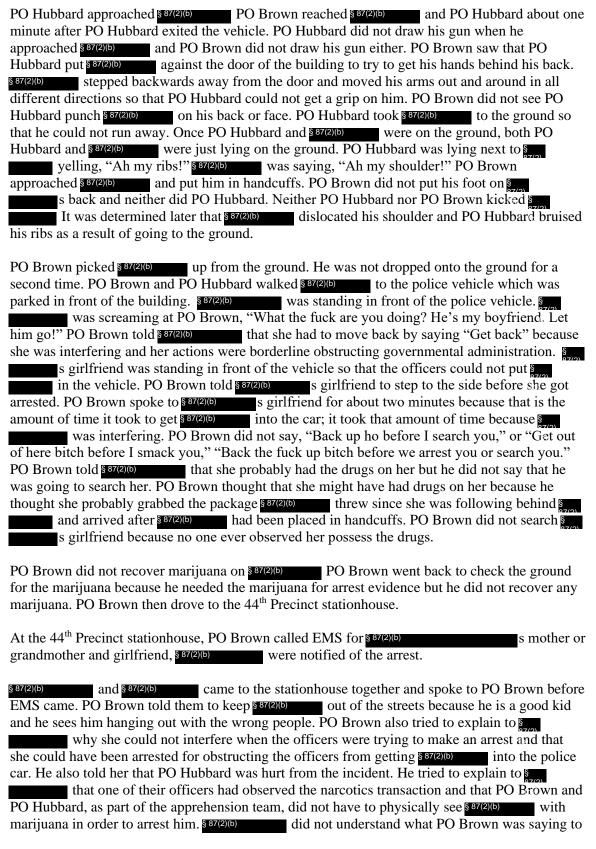
black car was driving the opposite direction on Sherman Avenue, which is a one way street, following the male. §87(2)(b) started running to the first door of the building.
tried to put his key in the door but before he was able to put the key in the door, two officers dressed in plain clothes exited the black car and \$87(2)(6) started screaming, "Ma! Ma! Ma!"
The officers told him, "Tell me what you have there" and told him that they saw him from the building buying or selling drugs on Morris Avenue. \$\frac{87(2)(b)}{87(2)(b)}\$ responded saying that he did not buy or sell drugs. \$\frac{87(2)}{87(2)}\$ heard the officers say not to move but the male continued to try to open the door. PO Hubbard then grabbed \$\frac{87(2)(b)}{87(2)(b)}\$ s arm and \$\frac{87(2)(b)}{87(2)(b)}\$ moved the officer's arm away. Something happened that made \$\frac{87(2)(b)}{87(2)(b)}\$ fall to the ground when this happened but \$\frac{87(2)(b)}{87(2)(b)}\$ or threw \$\frac{87(2)(b)}{87(2)(b)}\$ to the ground. PO Hubbard was also hitting on the back and on his face with a fist and \$\frac{87(2)(b)}{87(2)(b)}\$ was moving his body and covering himself to avoid being hit. \$\frac{87(2)(b)}{87(2)}\$ did not know how many times \$\frac{87(2)(b)}{87(2)(b)}\$ was hit.
When \$87(2)(b) was on the floor he was calm and not doing anything. PO Brown then put his foot on the \$87(2)(b) s back and handcuffed him. Around five minutes later, the male was placed in the police car.
NYPD Statements:
Subject Officer: PO SEAN BROWN • See enclosures for pedigree information (encl. 101-o).
Memo Book: At 7:10 p.m., observation post officer, PO Cruz, Tax ID: 920168, did see an unapprehended hand to hand transaction. At 7:12 p.m., [887(2)(6)] fled once he saw officers in the middle of the street, against traffic, causing officer to drive the wrong way. He did throw marijuana. When approached, perpetrator did try to flee again. While trying to arrest perpetrator, PO Hubbard and perpetrator fell to the ground. PO Hubbard injured his ribs (encl. 10a-c).
§ 87(2)(b), § 87(2)(a) 160.50

PO Hubbard "did hurt his right torso area while attempting to place a perpetrator in custody and fell to the ground." (encl. 10i).

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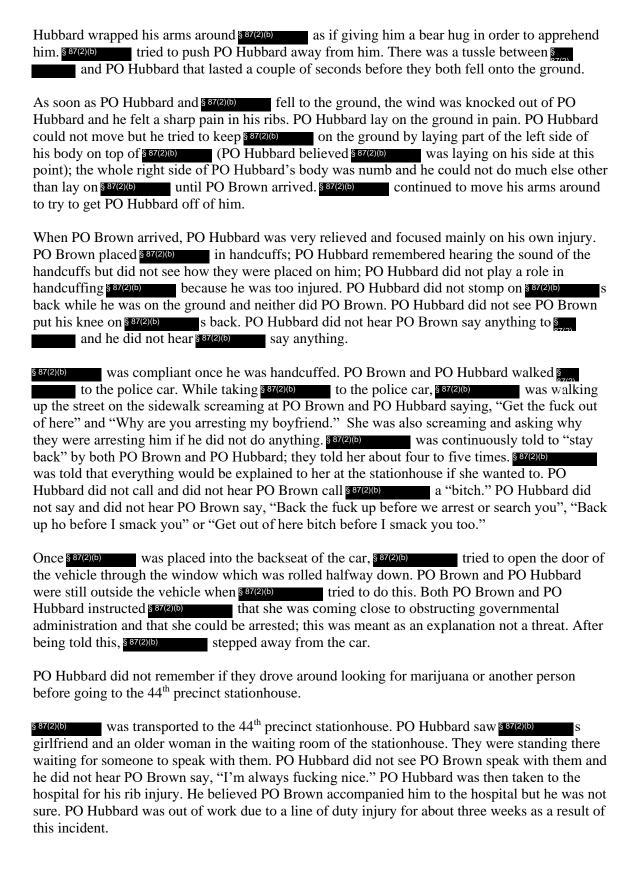
§ 87(2)(b), § 87(2)(a) 160.50
CCRB Statement: PO Brown was interviewed at the CCRB on June 10, 2014 (encl. 101-o).
On February 14, 2014, PO Brown was part of a Strategic Enforcement Team; PO Cruz was the observation officer and PO Brown and PO Hubbard were the apprehension car. PO Brown was the driver and PO Hubbard was the passenger.
The observation officer, PO Cruz, observed a hand to hand transaction and called PO Brown and PO Hubbard on a cell phone that was put on speaker in the car. PO Cruz told PO Brown and PO Hubbard the description of \$37(2)(5) the buyer in the hand to hand transaction. PO Brown did not remember the exact description that was relayed to him. When PO Brown and PO Hubbard saw \$37(2)(5) on 167 th Street, PO Cruz, who had been following \$37(2)(5) walked away.
PO Brown pulled his police vehicle over to where \$87(2)(b) who was with his girlfriend, was walking on the sidewalk on Grant Avenue and 167 th Street, his car was facing southbound. PO Brown intended to stop \$87(2)(b) recover the narcotics, and place him under arrest. The driver's side of PO Brown's vehicle was on the sidewalk side and \$87(2)(b) was standing about one foot away from the car. \$87(2)(b) looked at PO Brown and his eyes opened wide. PO Brown said, \$87(2)(b) don't run." PO Brown knew \$87(2)(b) s name because he was familiar from him playing in the neighborhood and watching him grow up. \$87(2)(b) ran. Since \$100 ran and there was probable cause that \$87(2)(b) had narcotics since PO Cruz observed a hand to hand transaction and did not lose sight of \$87(2)(b) in the time it took PO Brown to approach him, PO Brown and PO Hubbard followed \$87(2)(b) with the police car.
From one car's length away, in the middle of 167 th Street between Grant Avenue and Sherman Avenue, PO Brown observed \$37(2)(b) take what looked to be marijuana, out of his pocket with his right hand and throw it on the ground on the corner of Grant and Sherman Avenue. PO Brown believed the item was marijuana because it was a clear plastic bag smaller than the size of a palm and it looked like a bag that holds marijuana. \$37(2)(b) ran westbound on 167 th Street against traffic. \$37(2)(b) ran across the middle of the street and caused cars to stop to try to avoid hitting him. \$37(2)(b) then turned on Sherman Avenue, which is a northbound one-way street, and drove the opposite way down the street in order to follow \$37(2)(b) was running on the sidewalk while PO Brown was following him in the car driving on the street. PO Brown did not lose sight of \$37(2)(b) at any point.
When \$87(2)(b) arrived at \$87(2)(b) he tried to run into the building. PO Hubbard exited the vehicle to stop \$87(2)(b) before he entered the building; \$87(2)(b) was standing at the door of the building at this point. PO Brown was exiting the police vehicle when

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and direct his statements towards her. PO Brown did not tell \$87(2)(b) "I'm always fucking nice" when he spoke with her at the stationhouse. PO Brown had his conversation with \$87(2)(b) and \$87(2)(b) and \$87(2)(b) outside in front of the stationhouse. There were no other officers around when he was speaking with them. PO Brown could not remember if \$87(2)(b) significant significant and grandmother came back to the stationhouse later in the evening.
PO Hubbard went line of duty as a result of this incident because of bruised ribs.
§ 87(2)(b), § 87(2)(a) 160.50
At the conclusion of the interview, PO Brown wished to add that in the stationhouse, §87(2)(b) stated that he went to get the marijuana because it was Valentine's Day and he wanted to smoke it with his girlfriend.
Subject Officer: PO JAWUAN HUBBARD • See enclosures for pedigree information (encl. 11d-f).
Memo Book: At 7:15 p.m., one person was arrested in front of \$87(2)(b) The observing post officer was PO Cruz. Defendant was approached and told to stop and not run. The defendant fled on foot running through traffic. The defendant was apprehended at \$87(2)(b) and resisted arrest by flailing his arms. PO Hubbard went Line of Duty due to this incident and ended his tour at 1:35a.m. (encl. 11a-b).
LOD Paperwork Statement: PO Hubbard described how his injury was sustained as follows: "I suffered internal pain to my right rib after making a lawful arrest when the perpetrator resisted and I fell on him." (encl.11c).
CCRB Statement: PO Hubbard was interviewed at the CCRB on June 18, 2014 (encl. 11d-f). His statement was consistent with PO Brown's with the following exceptions and additional information noted below.
When \$87(2)(b) was running, PO Hubbard's attention was focused on looking out for other cars and keeping a line of sight on \$37(2)(b) to aid PO Brown. PO Hubbard did not remember if he saw \$37(2)(b) throw any object while he was running.
When \$87(2)(b) arrived at \$87(2)(b) he pulled on the door. PO Hubbard jumped out of the vehicle and ran towards \$87(2)(b) PO Hubbard did not hear \$87(2)(b) say anything when he was at the door. PO Hubbard did not say anything to \$87(2)(b) or issue him any instructions. PO Hubbard did not have his gun drawn when he ran towards \$87(2)(b) PO



Witness Officer: PO JUAN CRUZ

• See enclosures for pedigree information (encl. 9e-g).

Memo Book:

PO Cruz has an entry regarding this incident written on the fly page of his memo book. At 7:10pm on February 14, 2014 he wrote: \$87(2)(5) (for PO Brown) observed perpetrator brief conversation with unapprehended seller exchange US Currency for small object and place object in right jacket pocket. PO Hubbard did have foot pursuit with perpetrator. Lost perpetrator when PO Hubbard chased him westbound on East 167th Street (encl. 9a-d).

CCRB Statement:

PO Cruz was interviewed at the CCRB on June 5, 2014 (encl. 9e-g). His statement was consistent with PO Brown's.

On February 14, 2014, PO Cruz and PO DeJesus were the assigned observation post of the Strategic Enforcement Team. They were watching for drug dealers, drug transactions and gang members. As the observation post, PO Cruz and PO DeJesus were to look for any drug transactions and radio it in to other team members who were in charge of the apprehension. On February 14, 2014, the team was focusing on the southwest corner of McClellan Street and Morris Avenue because it is a drug prone location. At 7:10pm, PO Cruz was sitting in a parked car with PO DeJesus observing known drug sellers; these sellers are known to the command from previous arrests. PO Cruz did not remember how far away the car was from the sellers but he knew that it was close enough to see an exchange happen. PO Cruz could not remember how many sellers there were but thought that it was at least one seller with at least one lookout person. PO Cruz observed § 87(2)(b) have a brief conversation with one of the known sellers. PO Cruz did not know if \$87(2)(b) was walking with a female at the time. \$87(2)(b) handed the seller US Currency for a small Ziploc square bag about two inches by two inches with a dark green substance inside that looked like marijuana. After the exchange, §87(2)(b) northbound on Morris Avenue. PO Cruz exited his police car to follow behind \$87(2)(b) Cruz did not discuss the observation or his next actions with PO Dejesus before exiting the car. PO Cruz stayed about 100 feet behind \$87(2)(b) when he was following him. PO Cruz followed after § 87(2)(b) and called either PO Brown or PO Hubbard on their cell phone to give them the full description of \$87(2)(b) PO Cruz usually relays very specific information regarding the buyer to the other officers which would include the race and gender of the person, type of shirt and pants the person was wearing, if they were carrying anything, if they were walking with anyone else. For this specific incident, PO Cruz did not remember the exact information he relayed to the officers.

PO Cruz followed \$87(2)(b) for about three to four minutes until PO Brown and PO Hubbard approached him in their vehicle. PO Brown and PO Hubbard told him when they saw \$87(2)(b) and PO Cruz verbally confirmed that they saw the correct person. PO Brown and PO Hubbard got out of their vehicle to approach \$87(2)(b) then ran away. PO Hubbard followed PO Cruz wrote in his memo book that PO Hubbard ran after \$87(2)(b) he was not sure if PO Brown ran as well or if PO Brown was still in the car because he did not remember. Once \$87(2)(b) made a left turn onto East 167th Street and Morris Avenue, PO Cruz lost sight of \$87(2)(b) and the officers and returned to his police car. He did not apprehend the sellers because they had left the location once PO Cruz returned. He did not see \$87(2)(b) or the officers at any other point that day.

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Medical Records
Hospital by EMS. EMS was called to the stationhouse for a possible dislocated shoulder. When the EMT first examined strictly he was complaining of pain to his left shoulder and told the EMT that when officers apprehended him he fell to the ground and landed on his left arm. The EMT noted swelling to his right cheek and red skin around his shoulder area. At strictly Hospital, strictly schief complaint was that he was in an altercation with the NYPD and fell, injuring his left shoulder in the process. strictly was diagnosed with left shoulder pain and a shoulder sprain; he was given an arm sling.
Or \$87(2)(b) returned to \$87(2)(b) Hospital Emergency Room. His chief complaint was left shoulder pain from an incident that occurred three days prior. \$27(3) stated that he was assaulted by police. No fracture or dislocation was observed and \$27(3) was diagnosed with shoulder pain and released (encl.14a).
Police Documents Arrest Photograph sarrest photograph shows that his arm is in a sling. There are no visible injuries to
his face.
Command Log s87(2)(b) was logged in to the command log at 7:30 p.m. on February 14, 2014. He was brought to \$87(2)(b) Hospital at \$87(2)(c) and returned to the stationhouse at 11:35 p.m. There is no notation of injuries written in the command log (encl. 12c).
§ 87(2)(b), § 87(2)(a) 160.50
 Status of Civil Proceedings S87(2)(b) has not filed a Notice of Claim with the City of New York as of July 31, 2014 with regard to the incident (encl. 15a).
§ 87(2)(b), § 87(2)(a) 160.50
• This is the first CCRB complaint filed by \$87(2)(b) and \$87(2)(b) (encl. 2c-d).

Subject Officers CCRB History

- PO Jawuan Hubbard has been a member of the service for 4 years and there are no substantiated CCRB allegations against him (encl. 2b).
- PO Sean Brown has been a member of the service for 4 years and there are two substantiated CCRB allegations against him. (encl. 2a).
 - In case 201201897, allegations of a stop and frisk were substantiated against PO Brown and he received command discipline as a penalty.

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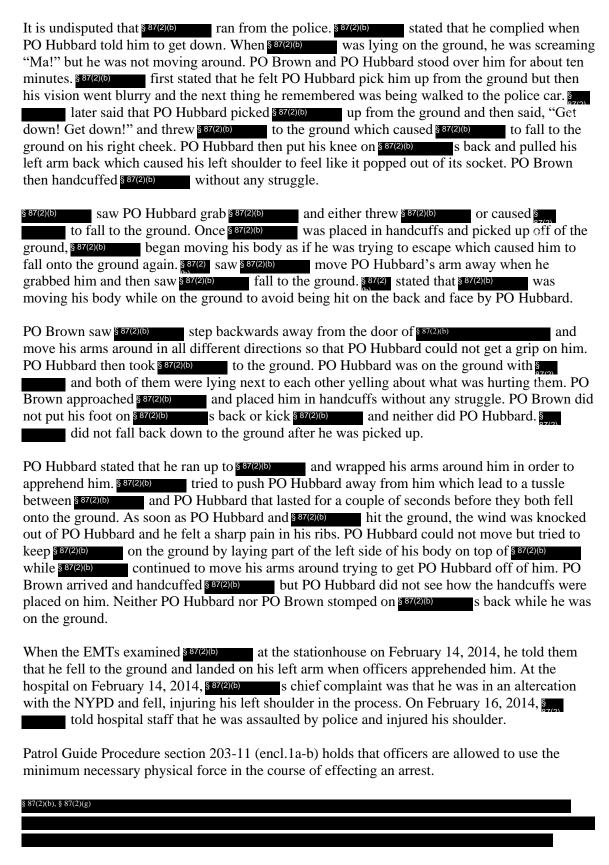
Conclusion

PO Brown and PO Hubbard acknowledged interacting with §87(2)(b)

Identification of Subject Officers

Investigative Findings and Recommendations Allegations Not Pleaded stated she ran up to §87(2)(b) and touched him while he was being brought to the police car. PO Hubbard and PO Brown explained that \$37(2)(b) s actions were obstructing governmental administration and that she could have been arrested for the way she was acting. They both stated that they warned her that she could be arrested if she continued to act the way she was acting. Since PO Brown and PO Hubbard could have arrested [8] 87(2)(b) for interfering with the arrest of \$87(2)(b) their statements were statements of fact rather than threats and therefore a threat of arrest is not being pleaded. Also, because PO Cruz observed § 87(2)(b) engage in a hand-to-hand transaction but denies doing so, the stop of \$57(2)(0) is an arrest dispute and therefore is not being pleaded. stated that PO Hubbard called \$87(2)(b) a bitch and said, "Back up ho before I smack you" but \$37(2)(b) did not allege that PO Hubbard used any discourteous or offensive language statements towards her. Since § 37(2)(b) was the one having the conversation and only alleged that PO Brown used discourteous and offensive language statements towards her, discourtesy and offensive language allegations are not being pleaded against PO Hubbard. Allegation A: Abuse of Authority – In front of \$87(2)(b) in the Bronx, PO Jawuan Hubbard pointed his gun at § 87(2)(b) stated that PO Hubbard pointed his gun at him while saying, "Get down" when he caught up to him. § 87(2)(b) did not witness this part of the incident. Neither § 87(2)(b) \$87(2) corroborated the allegation. \$87(2)(b) who was watching the incident from his apartment's window stated that PO Hubbard ran up to \$87(2)(b) who was standing at the front screaming for his grandmother to open the door, and grabbed him; he made no mention of PO Hubbard having his gun drawn. ST(2) stated that two officers exited the police vehicle and told § 87(2)(b) not to move but § 87(2)(b) continued to try to open the door to the apartment building; he also did not mention guns being drawn when the officers did this. PO Brown and PO Hubbard stated that PO Hubbard exited the vehicle and approached but did not have his gun drawn when he did this. Allegation B: Force – In front of § 87(2)(b) in the Bronx, PO Jawuan Hubbard used physical force against § 87(2)(b)

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§ 87(2)(g)			
Allegation C: Discourtesy – In form Precinct stationhouse, PO Sean Allegation D: Offensive Langua Sean Brown made remarks to stated that PO Brown you" when she ran up to \$87(2)(b) also stated that when she returned Brown said, "I'm always fucking called \$87(2)(b) a "bitch" and she was only at the stationhouse of	Brown spoke discourt ge – In front of \$87(2)(b) T(2)(b) based to the fuck while he was being to the stationhouse late the fuck." \$87(2)(b) state the fuck of the stationhouse late the fuck of the	in the upon the sex of \$87(2)(b) a up bitch before we arrewalked to the police care in the evening with \$87 ed that both PO Brown a fore I smack you." \$87(2)(b)	Bronx, PO st you or search st you or search (2)(b) PO nd PO Hubbard stated
PO Brown stated that he told \$\frac{887(2)}{2}\$ I search you," "Get out of here bit arrest you or search you." At the search you are to the stanger and PO Brown only spoke to say, "I'm always fucking nice" to \$\frac{887(2)(5)}{2}\$ was told to "stay be hear PO Brown call \$\frac{87(2)(5)}{2}\$ up before we arrest or search you, before I smack you too."	ch before I smack you, tationhouse, PO Brown ationhouse; they were to them outside in front when he wack" four or five times a "bitch" and he did not be the work of the work	" or "Back the fuck up be a spoke to \$87(2)(5) only at the stationhouse. PO the spoke with her. PO Hu by both officers. PO Hu not hear PO Brown say,"	and and and in the Brown did not bbard stated that bbard did not 'Back the fuck
§ 87(2)(b), § 87(2)(g)			
Team:			
Investigator:Signature	Print	Date	_
Supervisor: Title/Signature	Print	Date	_
Reviewer:	Print	Date	
Reviewer:Title/Signature	Print	 Date	

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